

DANIEL G. BOGDEN
United States Attorney
KIMBERLY M. FRAYN
Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
FAX: (702) 388-6418

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN WRIGHT,

Defendant.

2:14-cr-00357-APG-VCF

MOTION TO CONTINUE HEARING
ON GOVERNMENT'S MOTION TO
REOPEN FARETTA CANVAS (Doc. No. 92)
(*First Request*)

COMES NOW the United States of America, by and through DANIEL G. BOGDEN, the undersigned Assistant United States Attorney, Kimberly M. Frayn, and hereby respectfully move the Court for an continuance of the September 15, 2015 hearing on GOVERNMENT'S MOTION TO REOPEN FARETTA CANVAS (Doc. No. 92) to a date and time convenient to the Court, but not sooner than September 28, 2015 for the following reasons:

The Government has filed a motion to reopen the *Faretta* canvas for Defendant Wright to correct some potential deficiencies. On August 17, 2015, the Court granted the Government's motion and set a hearing date for the new canvas on September 15, 2015 at 1:00 pm. (Doc. NO. 95). Defendant Wright filed a motion to in liminae to exclude certain evidence (doc. no. 19). However, Government counsel will be out of the office on medical leave beginning on September 2, 2015, which is expected to last two weeks or more. Although it is anticipated that Defendant Wright will

1 oppose a brief continuance, the Government respectfully moves the Court for a continuance of the
2 hearing on Government's Motion To Reopen *Faretta* Canvas (Doc. No. 92) to a date and time
3 convenient to the Court, but not sooner than September 28, 2015.

4 Although defendant Wright is in custody, the brief requested delay will not unduely
5 prejudice him and is not made merely for purposes of delay, but to allow the Govenrment continuity
6 of counsel. Granting of this request will not affect the trial in this matter, which is presently set for
7 November 16, 2015.

8 This is the first request to continue the hearing.

9 THEREFORE, the United States respectfully requests the Court to continue hearing on
10 Government's Motion To Reopen *Faretta* Canvas (Doc. No. 92) to a date and time
11 convenient to the Court, but not sooner than September 28, 2015.

12 DATED this 28th day of August, 2015.

13 DANIEL G. BOGDEN
14 United States Attorney

15 /s/ Kimberly M. Frayn
16 KIMBERLY M. Frayn
Assistant United States Attorney

17 CERTIFICATE OF SERVICE

18 I, Kimberly M. Frayn, certify that the following individuals were served with a copy of the
19 Government's motion to continue hearing on GOVERNMENT'S MOTION TO REOPEN
FARETTA CANVAS (Doc. No. 92) to a date and time convenient to the Court, but not sooner than
September 28, 2015 and the accompanying proposed order on this date by the below identified
method of service on this 28th day of August, 2015:

20 Electronic Case Filing to standby counsel Lance Maningo, Esq. and via United States mail to:

21 Mr. Brian Wright #49211048
22 NSDC 2190 East Mesquite Avenue
Pahrump, Nevada, 89060

23 //s// Kimberly M. Frayn
24

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

2:14-cr-00357-APG-VCF

Plaintiff,

vs.

BRIAN WRIGHT,

Defendant.

ORDER

After considering Government's motion for an continuance of the September 15, 2015 hearing on Government's Motion To Reopen *Faretta* Canvas (Doc. No. 92) to a date and time convenient to the Court, but not sooner than September 28, 2015, the Court hereby finds good cause to grant the Government's request.

THEREFORE, IT IS HEREBY ORDERED that the hearing on Government's Motion To Reopen *Faretta* Canvas (Doc. No. 92) currently scheduled for September 15, 2015, at the hour of 1:00 p.m. be vacated and continued to a date and time convenient to this Court, that is October 6, 2015, at the hour of 1:00 p.m., in courtroom 3D.

8/28/2015



THE HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE COURT JUDGE